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Mr. David Waddell  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

In Re: *Petition to Require BellSouth to Appear and Show Cause that Certain Sections of the General Subscriber Services Tariff and Private Line Services Tariff Do Not Violate Current State and Federal Law*  
Docket No. 00-00170

Dear David:

This letter is submitted in reply to the "Staff Team's Collective Response" filed June 27, in the above-captioned proceeding. This matter is scheduled to be on the TRA's July 11 conference agenda.

In essence, the Staff proposes that the TRA approve a proposed "Show Cause" Order against BellSouth and then, without allowing any interested parties to intervene, approve a proposed "Settlement Agreement" which will immediately close that same docket.

While NEXTLINK and SECCA understand both the Staff's desire to clear a shortcut through various procedural requirements and the Staff's ethical obligation to advocate approval of the Settlement, which was privately negotiated between the Staff and BellSouth, SECCA and NEXTLINK will not waive their rights to participate, as appropriate, in the "Show Cause" proceeding.

The flaw in the Staff's proposed course of action is this: a "show cause" proceeding initiated pursuant to T.C.A. §65-2-106 is, by definition, a "contested case" proceeding.<sup>1</sup> Therefore, once the TRA issues the show cause order, anyone who has a legally recognizable

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<sup>1</sup> The "show cause" statute itself, T.C.A. § 65-2-106, states that a show cause proceeding "shall follow the provisions of this chapter with reference to contested cases." See also the definition of "contested case" in T.C.A. § 4-5-102(3).

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Cause" proceeding.

Therefore, SECCA and NEXTLINK reiterate their suggestion that the TRA open this docket by issuing the proposed show cause order against BellSouth and then delegate the case to a Hearing Officer (preferably, the General Counsel who recommended issuance of the Show Cause Order) so that he can entertain petitions to intervene and consider whether the proposed Settlement Agreement should be approved.

Sincerely,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By:

  
Henry Walker

HW/nl

c: Parties